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By: **Delegates Vaughn, Conroy, Frush, Fulton, Howard, Kelley, Love,  
McDonough, Menes, Moe, Niemann, Oaks, Ramirez, Taylor, and  
Trueschler**

Introduced and read first time: January 29, 2004

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Child Care Homes and Private Group Homes - Notice of Issuance of License**  
3 **or Certificate of Approval**

4 FOR the purpose of requiring the Department of Juvenile Services, the Social  
5 Services Administration, and the Department of Health and Mental Hygiene,  
6 within a certain period of time after issuing a license for a child care home, a  
7 certificate of approval for a private group home, or a license for a private group  
8 home, to give to certain persons and to post on the unit's website notice of the  
9 issuance of the license or certificate; providing for the application of this Act;  
10 and generally relating to notice of the issuance of licenses or certificates of  
11 approval for child care homes and private group homes.

12 BY repealing and reenacting, with amendments,  
13 Article 83C - Juvenile Services  
14 Section 2-123  
15 Annotated Code of Maryland  
16 (2003 Replacement Volume)

17 BY repealing and reenacting, with amendments,  
18 Article - Family Law  
19 Section 5-508  
20 Annotated Code of Maryland  
21 (1999 Replacement Volume and 2003 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article - Health - General  
24 Section 7-612 and 10-521  
25 Annotated Code of Maryland  
26 (2000 Replacement Volume and 2003 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article 83C - Juvenile Services**

4 2-123.

5 (a) Except as otherwise provided in this section, a person shall be licensed by  
6 the Department as a child care home before the person may exercise care, custody, or  
7 control over a child who is alleged or adjudicated as delinquent or in need of  
8 supervision.

9 (b) This section does not apply:

10 (1) To a parent of the child;

11 (2) To an individual related to the child by blood or marriage within 4  
12 degrees of consanguinity under the civil law rule;

13 (3) To a guardian of the child;

14 (4) To a person who exercises temporary custody or control over the child  
15 at the request of a parent or guardian of the child and who is not required otherwise  
16 to be licensed;

17 (5) To an individual with whom the child is placed in foster care by:

18 (i) A licensed placement agency;

19 (ii) A local department of social services;

20 (iii) The Secretary of Health and Mental Hygiene;

21 (iv) The Department; or

22 (v) A court of competent jurisdiction;

23 (6) To a person who has the care, custody, or control of the child through  
24 placement by a parent or grandparent of the child in contemplation of adoption, if the  
25 requirements of § 5-507(b)(2) and (c) of the Family Law Article are met;

26 (7) To an institution that has a child care institution license under this  
27 title or § 5-509 of the Family Law Article; or

28 (8) To an institution operated by an agency of this State or any political  
29 subdivision.

30 (C) WITHIN 30 DAYS AFTER THE DEPARTMENT ISSUES A LICENSE UNDER THIS  
31 SECTION, THE DEPARTMENT SHALL:

1 (1) GIVE THE GOVERNING BODY OF THE COUNTY AND THE GENERAL  
2 ASSEMBLY DELEGATION OF THE LEGISLATIVE DISTRICT IN WHICH THE CHILD CARE  
3 HOME IS LOCATED NOTICE OF THE ISSUANCE OF THE LICENSE, INCLUDING THE  
4 LOCATION OF THE CHILD CARE HOME; AND

5 (2) POST ON THE DEPARTMENT'S WEBSITE NOTICE OF THE ISSUANCE OF  
6 THE LICENSE, INCLUDING THE LOCATION OF THE CHILD CARE HOME.

7 **Article - Family Law**

8 5-508.

9 (a) Except as otherwise provided in this section, a person shall be licensed by  
10 the Administration as a child care home before the person may exercise care, custody,  
11 or control of a minor child.

12 (b) This section does not apply:

13 (1) to a parent of the child;

14 (2) to an individual related to the child by blood or marriage within five  
15 degrees of consanguinity or affinity under the civil law rule;

16 (3) to a guardian of the child;

17 (4) to a person who exercises temporary care, custody, or control over the  
18 child at the request of a parent or guardian of the child and who is not required  
19 otherwise to be licensed;

20 (5) to an individual with whom the child is placed in foster care by:

21 (i) a child placement agency that is licensed under § 5-507 of this  
22 subtitle;

23 (ii) a local department;

24 (iii) the Department of Juvenile Services;

25 (iv) the Secretary of Health and Mental Hygiene; or

26 (v) a court of competent jurisdiction;

27 (6) to a person who has the care, custody, or control of the child through  
28 placement for adoption by a parent or grandparent of the child, if the requirements of  
29 § 5-507(c) of this subtitle are met;

30 (7) to an institution that has a child care institution license under this  
31 subtitle or under Article 83C, § 2-124; or

32 (8) to an institution that is operated by an agency of this State or any  
33 political subdivision of this State.

1 (C) WITHIN 30 DAYS AFTER THE ADMINISTRATION ISSUES A LICENSE UNDER  
2 THIS SECTION, THE ADMINISTRATION SHALL:

3 (1) GIVE THE GOVERNING BODY OF THE COUNTY AND THE GENERAL  
4 ASSEMBLY DELEGATION OF THE LEGISLATIVE DISTRICT IN WHICH THE CHILD CARE  
5 HOME IS LOCATED NOTICE OF THE ISSUANCE OF THE LICENSE, INCLUDING THE  
6 LOCATION OF THE CHILD CARE HOME; AND

7 (2) POST ON THE DEPARTMENT'S WEBSITE NOTICE OF THE ISSUANCE OF  
8 THE LICENSE, INCLUDING THE LOCATION OF THE CHILD CARE HOME.

9 **Article - Health - General**

10 7-612.

11 (a) The Secretary shall issue a certificate of approval to any applicant who  
12 meets the requirements under this Part III of this subtitle.

13 (b) Unless an applicant agrees to extend the time, the Secretary shall approve  
14 or deny an application for certificate of approval within 30 days after the hearing  
15 required by § 7-611 of this subtitle.

16 (c) If the Secretary fails to approve or deny the application within that time,  
17 the application shall be deemed to be approved, and the Administration shall issue a  
18 certificate of approval.

19 (D) WITHIN 30 DAYS AFTER THE SECRETARY OR ADMINISTRATION ISSUES A  
20 CERTIFICATE OF APPROVAL UNDER THIS SECTION, THE SECRETARY OR  
21 ADMINISTRATION SHALL:

22 (1) GIVE THE GOVERNING BODY OF THE COUNTY AND THE GENERAL  
23 ASSEMBLY DELEGATION OF THE LEGISLATIVE DISTRICT IN WHICH THE PRIVATE  
24 GROUP HOME IS LOCATED NOTICE OF THE ISSUANCE OF THE CERTIFICATE OF  
25 APPROVAL, INCLUDING THE LOCATION OF THE PRIVATE GROUP HOME; AND

26 (2) POST ON THE DEPARTMENT'S WEBSITE NOTICE OF THE ISSUANCE OF  
27 THE CERTIFICATE OF APPROVAL, INCLUDING THE LOCATION OF THE PRIVATE  
28 GROUP HOME.

29 10-521.

30 (A) The Secretary shall issue a license to any applicant who meets the  
31 requirements of this subtitle.

32 (B) WITHIN 30 DAYS AFTER THE SECRETARY ISSUES A LICENSE UNDER THIS  
33 SECTION, THE SECRETARY SHALL:

34 (1) GIVE THE GOVERNING BODY OF THE COUNTY AND THE GENERAL  
35 ASSEMBLY DELEGATION OF THE LEGISLATIVE DISTRICT IN WHICH THE PRIVATE

1 GROUP HOME IS LOCATED NOTICE OF THE ISSUANCE OF THE LICENSE, INCLUDING  
2 THE LOCATION OF THE PRIVATE GROUP HOME; AND

3 (2) POST ON THE DEPARTMENT'S WEBSITE NOTICE OF THE ISSUANCE OF  
4 THE LICENSE, INCLUDING THE LOCATION OF THE PRIVATE GROUP HOME.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
6 construed to apply only prospectively and may not be applied or interpreted to have  
7 any effect on or application to any license for a child care home, certificate of approval  
8 for a private group home, or license for a private group home issued before the  
9 effective date of this Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2004.